

REMARKS/ARGUMENTS

In the outstanding Office Action mailed on November 24, 2009, the Examiner has required restriction between the method claims of Group I (claims 1 through 9 and 20) and the apparatus claims of Group II (claims 10 through 19). Applicant respectfully traverses the restriction requirement and submits that in view of the foregoing amendments and the following remarks, the Examiner should withdraw the requirement and continue with the prosecution of all of the remaining claims in the present application.

Claims 1, 3, 4, 6 through 10, 12, 13 and 15 through 22 remain in this application for consideration. Claims 2, 5, 11 and 14 have been canceled. Claims 1 and 10 have been amended and claims 21 and 22 added in at least partial response to the restriction requirement. Claims 3, 4, 6, 7, 12, 13 and 15 have been amended to recite proper dependency. It is believed that none of the amendments introduce new matter.

Pursuant to 37 C.F.R. § 1.499, and responsive to the restriction requirement, applicant provisionally selects method claims 1, 3, 4, 6 through 9, 20 and 21 (Group I) for prosecution in the present application in the event that the restriction requirement is not withdrawn.

Regarding the substance of the restriction requirement, the Examiner seems to be saying that the method claims lack "the special technical feature of a milk meter and a plurality of milk collectors". However, applicant submits that these features are at least implicit in the method claims. Claims 1 and 21, for instance, each refer to a method of milking comprising the step of measuring the total milk flow from all of the teats of an udder of an animal. There have to be milk collectors, e.g. teat cups 1A-1D or 2A-2D, to collect the milk from the respective teats for milking to take place. Also, since the method of claims 1

and 21 each require measuring the milk flow and generating data representative of the milk flow rate, use of a means, or milk meter, to measure and provide an output representative of the total milk flow is also implied.

The special technical feature of the invention defined in both the method and apparatus claims resides in analyzing the data to detect an abnormal milk flow from one teat indicated by a departure from a predicted relationship between the milk flow rate (for all of the teats) and the time from the commencement of milking. This, special technical feature is emphasized in method claims 1 and 21 as well as in apparatus claims 10 and 22.

In addition to the foregoing, it is to be noted that it is a requirement of claim 1 that the data be analyzed to detect a departure from a predicted stepped reduction in the milk flow rate towards the end of the milking procedure for the animal. This is accomplished only through the use of a device such as the device of claim 10 that is arranged to detect a departure from a predicted stepped reduction in the milk flow rate towards the end of the milking procedure for the animal. So the method of claim 1 may be accomplished only by using the apparatus of claim 10 and the apparatus of claim 10 has use only for accomplishing the method of claim 1.

Likewise it is to be noted that it is a requirement of claim 21 that the analysis includes determining a peak flow rate at which the flow rate remains substantially level for a major part of the animal milking procedure, and determining the duration of the milk flow at the peak flow rate. Again, this is accomplished only through the use of a device such as the device of claim 22 that determines a peak flow rate at which the flow rate remains substantially level for a major part of the animal milking procedure, and determines the duration of the milk flow at the

peak flow rate. So the method of claim 21 may be accomplished only by using the apparatus of claim 22 and the apparatus of claim 22 has use only for accomplishing the method of claim 21.

With the foregoing amendment, the application now includes only 18 claims total. However, an additional independent claim has been added. Accordingly, pursuant to 37 C.F.R. § 1.16(h), an additional filing fee in the amount of \$220.00 is required. This additional filing fee is included in the attached check.

In view of the foregoing amendments and remarks it is clear that the restriction requirement is unsupported by the record and should be withdrawn. Moreover, it is respectfully submitted that the claims remaining in this application are allowable and that the application is in condition for allowance. Accordingly, favorable action at an early date will be appreciated. If the Examiner has any questions or comments, it is respectfully suggested that the applicant's undersigned attorney be contacted at the telephone number set forth below.

Respectfully submitted,



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